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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,851	03/28/2001	Susumu Yoshiwara		9525

7590

06/07/2002

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EXAMINER

GREEN, CHRISTY MARIE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 06/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,851

Applicant(s)

YOSHIWARA ET AL.

Examiner

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is a first office action for serial number 09/818851, entitled Manufacture and use of Earthquake Resistant Construction Blocks, filed on March 28, 2001.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the aggregate pieces, the entire process for forming construction blocks, a mold, a support structure, a mold on the support structure, a tube, coarse and fine aggregate must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. It is unclear as to what exactly these limitations are and is hard for the examiner to understand exactly what the process includes without any drawings to further disclose the process. Until further clarification, the examiner will interpret the claims accordingly.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 15 recites the limitation "said space" in line 4. There is insufficient antecedent basis for this limitation in the claim. Since this limitation was not previously stated within the previous claims, it is suggested that the applicant use the terminology, "a space".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandorff.

Sandorff discloses the claimed invention a process for forming construction blocks comprising providing a mold (20) in the desired shape of a construction block (figure 1), placing aggregate pieces within the mold, positioning the aggregate pieces within the mold (column 6, lines 8-14), pouring mortar (50) over the position aggregate pieces (column 6, lines 49-51), removing the block from the mold (column 6, lines 64-66); placing a mold (20) on one end of the support structure (interpreted to be the construction block – 30); curing the mortar (50) on the supporting structure, removing the mold (column 6, lines 64); it is inherent that the mold would be used to form another block adjacent to another block in order to produce a structure (figure 4); placing a tube (64) within the mold with the aggregate pieces (column 7, lines 20-26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guastavino, US patent # 464,562 in view of Sandorff, US patent # 5,624,615.

IGuastavino discloses the claimed invention a structure including a construction block (7) having an upper and lower surface and side surfaces (see attached figure 3); a plurality of construction blocks is places adjacent to one another (figure 3); the construction block is formed in the shape of a parallelepiped (figure 5), a plurality of the blocks (7) is placed side by side adjacent to one another in the shape of an arch (figure 3); and, the parallelepiped blocks placed in the form of an arch have their intrados ends abutting each other and their extrados ends spaced from each other (see attached figures 3 and 4), concrete is within the space between the blocks extrados ends (see attached figure 3); except for aggregate pieces within the block adjacent to the lower surface, the aggregate pieces being in direct contact with one another the aggregate pieces held in contact with each other by mortar, the block is in the shape of a tetrahendron, the aggregate material is coarse and fine, low quality, slag, crushed stone, concrete chips and Sirasu. Sandorff teaches that it is known in the art to provide aggregate pieces (35) within the block (30) adjacent to the lower surface (37), the aggregate pieces being in direct contact with one another (column 6, lines 35-37, by

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120 – figure 4), the aggregate pieces held in contact with each other by mortar (column 6, lines 49-52), the block is in the shape of a tetrahendron (column 5, lines 52-53), the aggregate material is coarse (35) and fine (by sand – column 6, lines 17-24), low quality, slag, crushed stone, concrete chips and Sirasu (column 5, lines 52-53 states that the dementions of the mold and stones can be varied). It would have been obvious for one having ordinary skill in the art at the time the invention was made to provide the aggregate pieces of Sandorff with the block of Guastavino in order to improve the structure of the simulated masonry panel (column 3, lines 30-32). It would have been an obvious matter of design choice to include a different shape of a tetrahendron and all of the materials as stated above, since the reference stated that the dimensions of the mold and stones can be varied, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use, and since the applicant has not disclosed that this other shape or materials is critical or solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the shape of the block and materials used within the reference cited.

In regards to claim 7, Guastavino discloses the claimed invention as stated above in claim 1, except for a block with a tube therein extending from one side to another side. Sandorff teaches that it is known in the art to provide a block with a tube (64) therein extending from one side to another side (figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to

provide the tube in the block of Sandorff with the block of Guastavino in order to provide reinforcement to the block (column 7, line 8).

Claim 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandorff in view of Whitehouse et al., US Patent # 3,616,108.

Sandorff discloses the claimed invention as stated above in claim 13, including forming the block in the shape of a parallelepiped (figures 1 and 2), including and filling the space at the extrados ends with concrete (figures 2 and 3); except for the steps of placing a plurality of blocks in a side by side contacting relationship, forming the blocks into the shape of an arch. Whitehouse teaches that it is known in the art to provide the steps of placing a plurality of blocks in a side by side contacting relationship (figures 3 and 4), forming the blocks (42) into the shape of an arch (figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method steps of Whitehouse with the steps of Yoshida in order to provide a structure of the blocks as disclosed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



cg

June 3, 2002



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

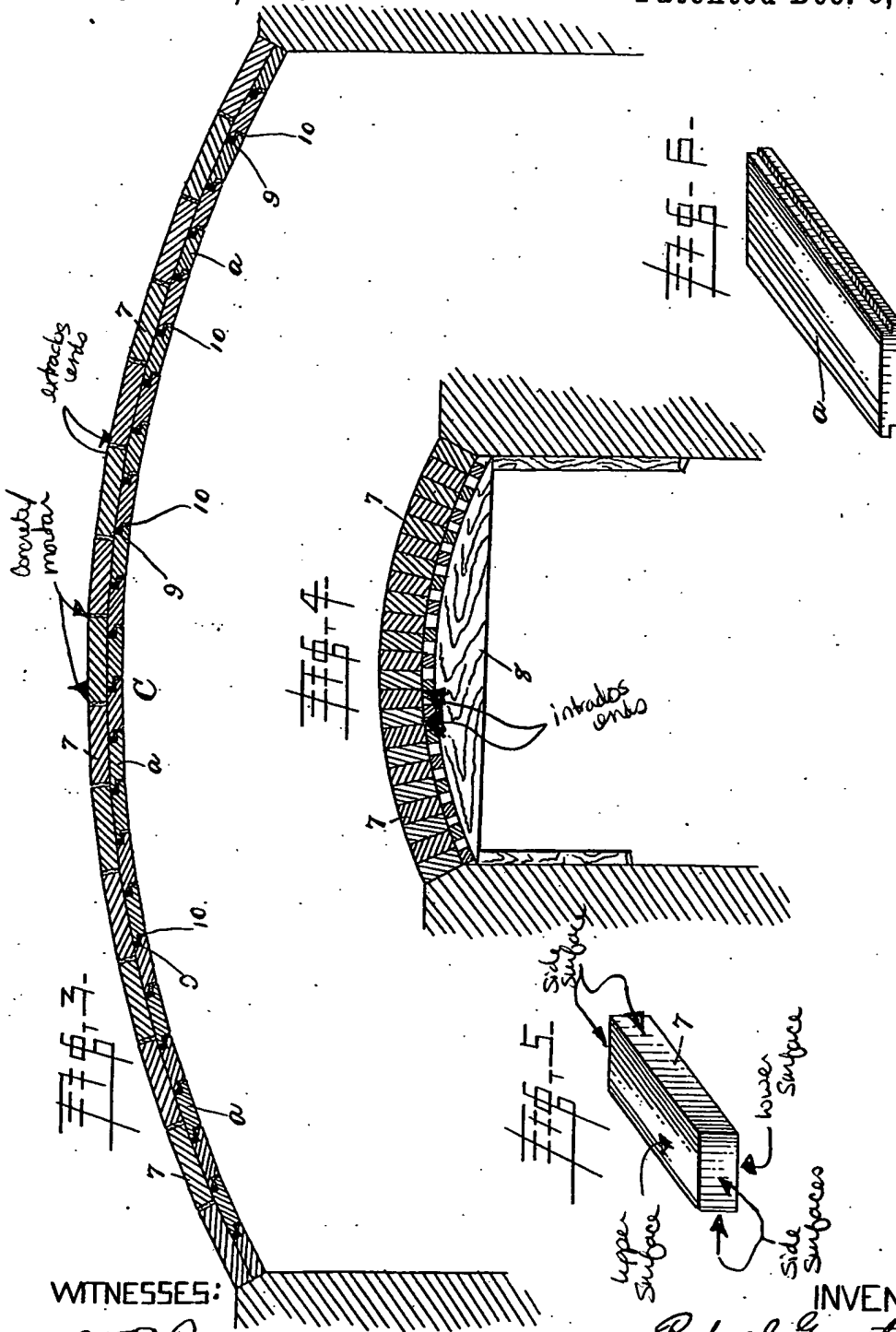
(No Model.)

2 Sheets—Sheet 2.

R. GUASTAVINO.
CONSTRUCTION OF BUILDINGS.

No. 464,562.

Patented Dec. 8, 1891.



WITNESSES:

W. E. B. Bower.
Benj. Miller.

INVENTOR:

Rafael Guastavino,
By J. E. McBoone
attorney.

FIG. 1.

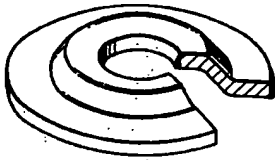


FIG. 2.

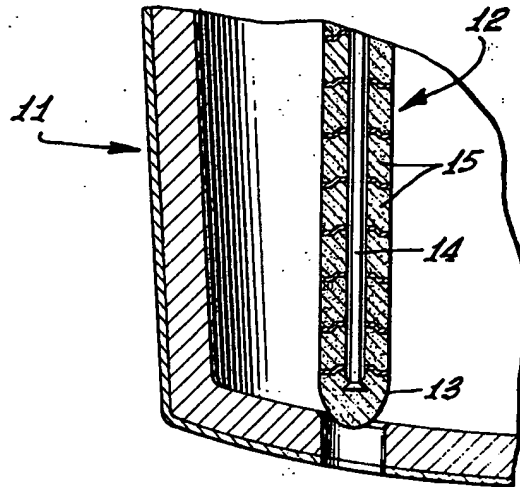


FIG. 3.

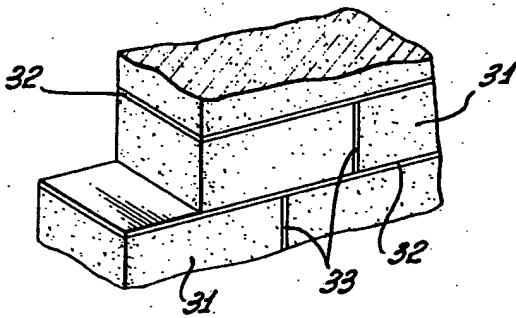


FIG. 5.

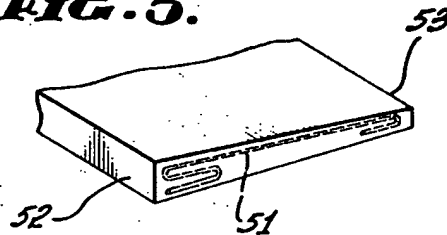


FIG. 4.

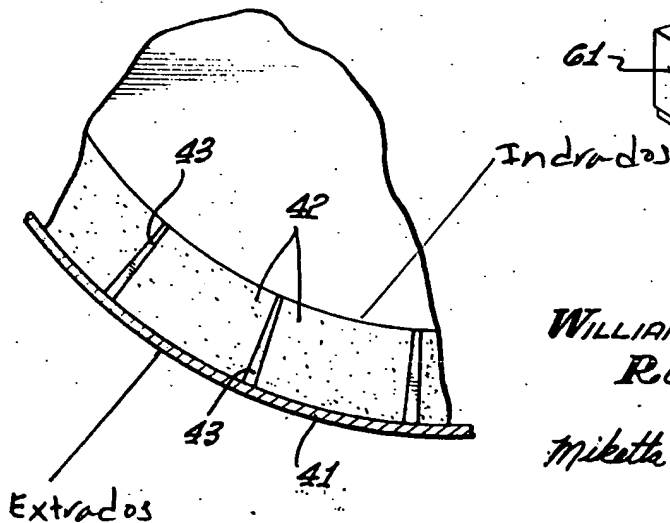
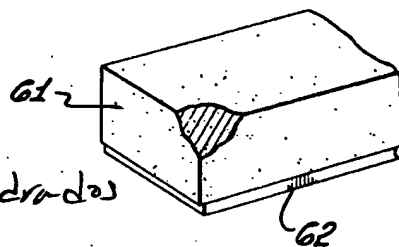


FIG. 6.



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